

REMARKS/ARGUMENTS

The Status of the Claims.

Claims 1-23 and 25-41 are pending with entry of this amendment. Claims 18, 26, and 30-32 are amended herein. The amendments are merely editorial and raise no new issues.

Under 37 C.F.R. § 1.116, amendments to the claims after final rejection may be entered if the amendments place the claims in better form for consideration on appeal. Applicants submit that the above amendments meet this criterion. These amendments are necessary to ensure consistent use of language throughout the claims. The amendments were not presented earlier because the need for the amendments was not apparent until the Final Office Action was received and the claims reviewed prior to appeal. Entry of the amendments is thus permitted under § 1.116 and is respectfully requested.

Applicants submitted the amendments to the Examiner in the form of an informal communication and conducted a telephonic interview concerning these amendments with the Examiner on January 21, 2004. In the interview, the Examiner indicated that the amendments were acceptable and would be entered. Applicants greatly appreciate the Examiner's courtesy in considering and entering the amendments.

Appl. No. 08/459,141
Amdt. Dated January 23, 2003
Reply to Final Office Action of December 16, 2002

CONCLUSION

If there are any questions concerning this Amendment, please telephone the undersigned at (510)769-3509.

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Attachments:

- 1) A petition to extend the deadline for filing an Appeal Brief 5 months;
- 2) A transmittal sheet;
- 3) A fee transmittal sheet; and,
- 4) A receipt indication postcard.